

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WINSTON THOMAS,

Case No. 1:17-cv-396

Petitioner,
vs.

Judge Timothy S. Black
Magistrate Judge Michael R. Merz

WARDEN, MADISON CORRECTIONAL
INSTITUTION,

Respondent.

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 14)
AND TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 17, 2018, submitted a Report and Recommendation. (Doc. 14). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety.

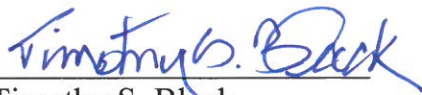
Accordingly:

1. The Report and Recommendation (Doc. 14) is **ADOPTED** in its entirety;

2. Respondent's motion to dismiss (Doc. 6) is **GRANTED**;
3. A certificate of appealability is **DENIED**;
4. Pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this order would not be taken in good faith; and
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 2/2/18


Timothy S. Black
United States District Judge